



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,081	02/28/2005	Markus Cornelis Jakobus Lazeroms	NL 020786	8321
24737 7590 09/26/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER SUN, XIUQIN				
ART UNIT 2863		PAPER NUMBER		
MAIL DATE 09/26/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,081

Applicant(s)

LAZEROMS ET AL.

Examiner

XIUQUIN SUN

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/09/2008/ and 06/18/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Reopening of Prosecution After Appeal Brief or Reply Brief

1. In view of the Appeal Brief filed on 06/18/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

/Tung S. Lau/
Tung S. Lau, Art Unit 2863
Acting SPE
September 24, 2008

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speeter (U.S. Pat. No. 5479528) in view of Recce (U.S. Pat. No. 6563940).

Regarding claims 1 and 8, Speeter discloses a system and method for identifying a person (Abstract), comprising: detecting a characteristic of pressures, exerted by at least one foot of the person on a surface (Abstract; col. 3, lines 1-3; col. 9, lines 24-29); storing data of a number of persons, said data comprising a detected pattern of the characteristic of pressures and an associated person identification code (Abstract; col. 9, lines 29-32); and comparing said pattern with pre-stored pattern of the characteristic of pressures until a match of patterns of the characteristic of pressures is found (Abstract; cols. 2-3, lines 65-3; col. 9, lines 24-32).

Speeter does not mention expressly: said characteristic of pressures is a distribution of pressures.

Recce discloses a system and method for identifying a person (Abstract), comprising: detecting a distribution of pressures, exerted by at least one hand of the person on a surface (Abstract; col. 7, lines 17-32); and comparing a detected pressure distribution pattern with pre-stored pressure distribution patterns until a match of pressures distribution patterns is found (Abstract; cols. 6-7, lines 64-8)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Speeter as taught by Recce to

characterize the pressures exerted by the person by a distribution of pressures, and use the distribution of pressures as a pressure signature profile to perform a pattern match such that the pattern match includes criteria of not only the outline of the pattern but also any variances in pressure applied by over the area (Recce, col. 7, lines 26-32).

Regarding claim 2, Speeter discloses: the pressure characteristic detecting means comprise a matrix sensor (cols. 2-3, lines 65-3; col. 9, lines 24-32).

Regarding claim 3, Speeter discloses: said surface comprises a platform for receiving at least one foot of the person, the pressure characteristic detecting means comprising a layer implemented in the platform (col. 4, lines 20-26).

Regarding claims 5 and 6, Speeter discloses: storing detected pressure characteristic patterns comprise a processor having a storage medium; the processor further comprises a comparator for comparing a detected pressure characteristic pattern with the stored pressure characteristic patterns (Figs. 7 and 8; col. 7, lines 3-10; col. 8, lines 31-40).

Regarding claim 16, Speeter discloses the system and method of identifying a person including the subject matter discussed above except: the method further comprises identifying a user of a weighing device.

Speeter teaches reconfiguring the system and applying the method to implement different devices of intelligent work surfaces (col. 1, lines 67).

In view of the teaching of Speeter, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the method of Speeter to a user of a weighing device as an intended use of the invention. It has been

held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

4. Claims 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speeter in view of Recce, as applied to claims 1 and 8 above, and further in view of Wymore (U.S. Pat. No. 6515586).

Regarding claim 4, Speeter in view of Recce disclose the system and method including the subject matter discussed above except: the pressure distribution detecting means and step comprise a matrix of electrical contacts, with a rubber having a pressure-dependent conductivity being placed between these contacts.

Wymore teach a sensory system and method detecting pressure distribution over a surface (col. 2, lines 50-67; col. 9, lines 37-67), including: a matrix of electrical contacts, with a rubber having a pressure-dependent conductivity being placed between these contacts (col. 2, lines 50-67; col. 5, lines 46-59; col. 9, lines 37-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Wymore in the combination of Speeter and Recce in order to provide a flexible, adjustable in size, accurate and robust sensor surface for detecting footprint of a user (Wymore, col. 2, lines 5-9; col. 10, lines 1-21).

Regarding claims 7 and 9, Speeter in view of Recce disclose the system and method including the subject matter discussed above except: said system and method comprises a system and method for identifying a user of a weighing device.

The disclosure of Wymore teaches: said system and method identifying a user of a weighing device (col. 2, lines 50-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Wymore in the combination of Speeter and Recce in order to provide a system and method of detecting pressure distribution that can be adapted for detecting a user of a weighing device (Wymore, col. 2, lines 5-9; col. 9, lines 37-67; col. 10, lines 1-21).

Response to Arguments

5. Applicant's arguments received 04/09/08 with respect to claims 1-9 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-9 and 16 are rejected as new prior art reference (U.S. Pat. No. 6563940 to Recce) has been found to teach, in combination with other cited prior art references, the claimed invention recited in these claims. Detailed response is given in sections 3 and 5 as set forth above in this Office action.

6. Claims 10-14 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Claims 15 should be canceled because it is a duplicate of claim 8.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. S./
Examiner, Art Unit 2863

/Tung S. Lau/
Tung S. Lau, Art Unit 2863
Acting SPE
September 24, 2008